

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS GONZALEZ and JULIO SANCHEZ
ESPINOZA,

Plaintiffs,

-against-

H.K. SECOND AVE RESTAURANT INC.,
SHAHEEN KHAN, and MAHA KHONDOKER,

Defendants.

USDC SDNY
DOCUMENT
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1:20-cv-4271-(MKV)

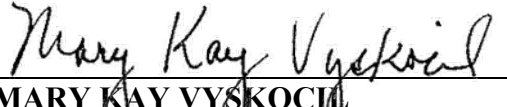
**ORDER DENYING MOTION
FOR DEFAULT JUDGMENT**

MARY KAY VYSKOCIL, United States District Judge:

On March 1, 2023, the Court held a hearing on Plaintiffs' second motion for default judgment in this matter. For all of the reasons the Court explained on the record at the hearing, including the failure to properly serve the defendants, which was acknowledged by counsel during the hearing and highlighted in the information supplied in support of the request for attorneys' fees, Plaintiffs' motion for a default judgment is DENIED without prejudice to renewal on or before May 1, 2023. The Court previously has twice discontinued this case for failure to prosecute. [ECF Nos. 14, 29]. This is Plaintiffs' final warning. If Plaintiffs fail to prosecute the case, this action will be dismissed with prejudice for failure to prosecute on May 1, 2023. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

**Date: March 1, 2023
New York, NY**


MARY KAY VYSKOCIL
United States District Judge